

ground upon which all must meet and must share in some small way, not only in the benefits he receives from his government, but in its burdens as well.

We sincerely trust that the Forty-fourth Legislature will give this recommendation its most serious consideration in connection with all of the facts and difficulties which surround us, with the firm hope and belief that if it does, it will come to the same conclusion we have reached—that is, that a general sales tax is the only way out.

Respectfully submitted,
ARTHUR P. DUGGAN,
Senator, District No. 30.

T. J. HOLBROOK,
Senator, District No. 17.

I respectfully dissent from the view of my distinguished colleagues of the Committee with reference to the sales tax. I do not believe that the adoption of a general sales tax is the proper solution. While it is true that the ad valorem tax on real property for all purposes is burdensome, and in many instances unreasonable, I believe that the Constitution should be amended so as to exempt homestead real property from all ad valorem taxes except for local public school maintenance and support, and that in lieu thereof and to make up for the decrease in revenues incurred by such action, the gross receipts tax should be extended to cover every enterprise and that the necessity for additional revenues from sources other than the ad valorem tax on real property and in lieu of a general sales tax, a selective sales tax might be enacted, placing thereby a tax upon non-essentials. Regardless of the general favor with which the general sales tax has met where it has been tried in several other States, it, nevertheless, impresses me as being a tax easily evaded and fraught with more inequities than almost any other form of tax.

It is with genuine regret that I cannot concur in the views of my colleagues, both of whom have given the subject matter profound study and exhaustive investigation, and it is with a degree of reluctance that I voice an opinion different from that arrived at by them after the maturi-

ty of their thought and study upon the question.

Respectfully submitted,
(Signed) GRADY WOODRUFF,
Senator, District No. 22.

Respectfully submitted,
SENATE TAX PROGRAM
COMMITTEE.

(Signed)
ARTHUR P. DUGGAN, Chairman,
Senator, District No. 30.

(Signed)
T. J. HOLBROOK,
Senator, District No. 17.

(Signed)
GRADY WOODRUFF,
Senator, District No. 22.

Minutes of Committee Meetings.

Minutes of Committee on Mining,
Irrigation and Drainage.

Held February 19, 1935.

Called Meeting.

Present: Regan, Hopkins, Blackert, Hill, Neal, Small, Stone, Van Zandt and Burns.

Absent and excused: DeBerry and Holbrook.

Committee Substitute for S. B. No. 227 was reported favorably with committee amendments by the following vote: yeas 9, nays 0.

Committee Substitute for S. B. No. 169 was reported favorably by the following vote: yeas 9, nays 0.

S. B. No. 291, was reported favorably by the following vote: yeas 9, nays 0.

ORVALEA WILLBANKS,
Secretary.

THIRTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
February 25, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Blackert.	Hill.
Burns.	Holbrook.
Collie.	Hopkins.
Cotten.	Hornsby.
Davis.	Hughston.
DeBerry.	Martin.
Duggan.	Moore.

Neal.	Shivers.
Pace.	Small.
Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Regan.	Westerfeld.
Sanderford.	Woodruff.

Absent—Excused.

Beck.	Oneal.
Fellbaum.	

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Burns.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Senators Excused.

Senator Beck was excused for Monday, Tuesday and Wednesday on account of death in the family, on motion of Senator Redditt.

Senator Oneal was excused indefinitely on account of being in Washington as a delegate of the Senate to the Second Interstate Assembly.

Senator Fellbaum was excused on account of illness on motion of Senator Stone.

Bills and Resolutions.

Senate Bill No. 332.

By Senator Van Zandt:

S. B. No. 332, A bill to be entitled "An Act to amend Chapter 175, page 252, Acts of the Fortieth Legislature, 1927, so as to permit the adding of an additional section to permit the Highway Commission of Texas to acquire, construct and maintain interstate bridges without the joinder of the highway commissions of the adjoining states, and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

Senate Bill No. 333.

By Senator Hill:

S. B. No. 333, A bill to be entitled "An Act relating to the setting, trial

and appeal of workman's compensation cases; providing that such cases shall take precedence on the docket of the trial and appellate courts; and declaring an emergency."

Read and referred to the Committee on Insurance.

Senate Bill No. 334.

By Senator Davis:

S. B. No. 334, A bill to be entitled "An Act creating a conservation and reclamation district composed of the counties of Coke and Tom Green, to be known as the Upper Colorado River Authority, etc."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Senate Bill No. 335.

By Senator Davis:

S. B. No. 335, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, common consolidated independent school districts, county line school districts, and rural high school districts, whether created by General or Special Law or by county boards of trustees; validating the acts of said county boards of trustees and boards of trustees of such districts; validating all proceedings and acts of said boards of trustees; validating all bonds, voted, authorized and/or sold and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; making certain exemptions; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 336.

By Senator Shivers:

S. B. No. 336, A bill to be entitled "An Act amending Chapter One, Title 116, Revised Civil Statutes of 1925, by adding thereto a new article to be known as Article 6680a, providing the amount to be collected as re-registration fees for certain motor vehicles, and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

Senate Bill No. 337.

Senator Poage sent up the following bill for Senator Fellbaum:

By Senator Fellbaum:

S. B. No. 337, A bill to be entitled "An Act to repeal the following articles and amendments thereto, of the Revised Civil Statutes of Texas of 1925; to-wit, Article 1667, as amended by Acts of the Second Called Session, Forty-second Legislature, Chapter 38, page 62, as amended by Acts of the Forty-third Legislature, Chapter 140, page 364; also Articles 1668 and 1669; also Article 1670, as amended by Acts of the Forty-third Legislature, Chapter 175, paragraph 1, page 544; also Articles 1671 and 1672; also Article 1673, as amended by Acts of the Forty-third Legislature, Chapter 175, paragraph 2, page 544."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Senate Bill No. 338.

By Senator Neal:

S. B. No. 338, A bill to be entitled "An Act amending Section 19 of Chapter 180, Acts of Forty-third Legislature of the State of Texas, Regular Session, and declaring an emergency."

Read and referred to the Committee on Agriculture.

Senate Bill No. 339.

By Senator Neal:

S. B. No. 339, A bill to be entitled "An Act to amend Article 5751, Title 93, of the Revised Civil Statutes of Texas of 1925, by adding a new section to be known as Section (a); providing for an alternative method of removing officers or directors of marketing associations, and declaring an emergency."

Read and referred to the Committee on Agriculture.

Senate Bill No. 340.

By Senator Duggan:

S. B. No. 340, A bill to be entitled "An Act amending Senate Bill No. 180, Chapter 239, Acts of the Regular Session of the Forty-third Legislature, by adding a new section to be known as Section 2a, providing that where the guardian is joint owner with the minor in the land to be partitioned, a commission of three disinterested freeholder-citizens of the county wherein the property is

located, shall be appointed by the court to examine the lands to be partitioned and make said partition according to the law as in other partition proceedings provided; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 341.

By Senator Rawlings:

S. B. No. 341, A bill to be entitled "An Act providing that investigators appointed by district attorneys and criminal districts attorneys shall have the same authority as sheriffs to make arrests in the county where appointed; providing that such investigators shall have authority to serve warrants, capiases, subpoenas and all other processes in criminal cases issued by any district court, county court, or justice court in the State; providing that such investigators shall be under the sole authority and direction of said district attorneys and criminal district attorneys; providing that such investigators shall not draw fees for performing such duties; and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

S. J. R. No. 26.

By Senator Burns:

S. J. R. No. 26, A joint resolution "Proposing an amendment to Article XVI of the Constitution of the State of Texas by adding a new section to be numbered Section 61, vesting all the power heretofore conferred upon the Governor by Section 11, Article IV of the Constitution relating to granting reprieves, commutations of punishments and pardons in all criminal cases in a board to be known and designated as the Board of Pardons and Paroles, and providing that such board shall be composed of three (3) members who are citizens of the State of Texas, one of which members is to be appointed by the Governor, one by the Chief Justice of the Supreme Court, and one by the presiding Justice of the Court of Criminal Appeals; and providing the members of said board shall serve for a term of two (2) years and providing for the appointment of their successors, and the filling of vacancies in office and providing that the board shall be domiciled and hold its

meetings at the main State Penitentiary located at Huntsville, Walker County, Texas, and providing for an election upon such proposed constitutional amendment and making an appropriation therefor."

Read and referred to the Committee on Constitutional Amendments.

Senate Resolution No. 51.

Senator Poage sent up the following resolution:

Be It Resolved, by the Senate of Texas, That the expenses of the floral offering sent by the Senate to the family of Lieutenant Governor Edgar E. Witt and the expenses of the committee appointed to attend the funeral be paid out of the contingent expense fund of the Senate.

POAGE.

Adopted.

Senate Resolution No. 52.

Senator Redditt sent up the following resolution:

Be It Resolved by the Senate of Texas that the expense of the floral offering sent by the Senate to the family of Eugene Henry Beck, father of our colleague, Senator J. W. E. H. Beck at Valdosta, Georgia, be paid out of the contingent expense fund of the Senate.

REDDITT.

Adopted.

S. C. R. No. 20.

Senator Regan sent up the following resolution:

Be It Resolved by the Senate, the House concurring, that Joint Rule No. 22 be and it is hereby suspended so that consideration of House Bill No. 403 be postponed until House Bill 527 be finally disposed of by the Senate.

REGAN.

Read and referred to the Committee on State Affairs.

Senate Bill No. 70.

Senator Hopkins received unanimous consent to send up a majority report on S. B. No. 70.

Senator Rawlings sent up a minority report on S. B. No. 70.

Senator Rawlings moved to print S. B. No. 70 on a minority report

and spread the motion on the Journal.

House Bill No. 403.

The Chair laid before the Senate H. B. No 403 which had been set for special order after the morning call.

H. B. No. 403, A bill to be entitled "An Act amending Article 6049c, Sections 10 and 11 of the Revised Civil Statutes of 1925, as amended by the Acts of 1931, Forty-second Legislature, First Called Session, page 46, Chapter 26, relating to injunctions and/or restraining orders to be issued against the Railroad Commission of Texas; repealing all laws or parts of laws in conflict, and declaring an emergency."

Pending business was Senator Small's proposed substitute for H. B. No. 403.

Senator Small moved the adoption of the substitute for H. B. No. 403.

The substitute was adopted by viva voce vote.

Record of Vote.

Senator Hill asked to be recorded as voting "no" on the adoption of the substitute by Senator Small for H. B. No. 403.

Senator Small sent up the following amendment:

Amend the substitute for H. B. No. 403 by adding at the end of Section 2 the following:

"All suits on such bonds shall be instituted within six months from the date of the final determination of the validity in whole or in part of such rule, regulation or order."

SMALL.

Read and adopted by viva voce vote.

Senator Small sent up the following amendment:

Amend the substitute H. B. No. 403 by striking out the following found in the first column, page 411 of the Senate Journal, February 19th, to-wit:

"provided further that the rule, regulation or order complained of shall be taken as prima facie valid,

and the use of introduction of the verified petition or affidavits of or in behalf of the plaintiff shall not be sufficient to overcome the prima facie validity of the rule, regulation or order complained of, or to empower the court to issue any injunctive relief against the enforcement of said rule, regulation or order;"

and add in lieu thereof the following:

"Provided further that the rule, regulation or order complained of shall be taken as prima facie valid and the use and introduction of the verified petition of plaintiff shall not be sufficient to overcome the prima facie validity of the rule, regulation or order complained of, or to empower the court to grant any injunctive relief against the enforcement of said rule, regulation or order."

SMALL.

Read and adopted by a viva voce vote.

Senator Small asked unanimous consent "to amend the caption to conform to the body of the bill."

Unanimous consent was granted.

Senator Burns sent up the following amendment:

Amend substitute for H. B. No. 403, line 61, page 1, by adding after the word "record" the following:

"Provided that venue in all proceedings provided for in this section shall be in the county where the property or subject matter involved is situated";

BURNS,
HILL.

Read.

Motion to Table.

Senator Hornsby moved to table the amendment by Senator Burns.

The motion to table prevailed by the following vote:

Yeas—18.

Blackert.	Neal.
Collie.	Poage.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Moore.	Woodruff.

Nays—8.

Burns.	Rawlings.
Cotten.	Redditt.
Hill.	Sulak.
Pace.	Westerfeld.

Absent.

Hughston.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Oneal.

Senator Hill sent up the following amendment to the substitute for H. B. No. 403:

Amend by adding a new section to be numbered Section 10-a to read as follows:

No injunction whether temporary restraining, temporary injunction, permanent injunction or other character of injunctive relief shall be granted at the instance or suit of Railroad Commission, its members, agents or representatives to restrain any person, corporation co-partnership or joint stock association from violating or attempting to violate any rule, regulation or order made and promulgated by the Railroad Commission of Texas under the Conservation Statutes of this State relating to oil and gas or any of the amendments thereto or restrain the enforcement of any such statute except after notice to said person, corporation, co-partnership or joint stock association and a hearing thereof as hereinabove provided that when a petition or application is filed asking for any character of temporary injunctive relief the clerk of the court in which said petition or application is filed shall issue notice to the defendant and/or defendants in writing, which notice shall contain the docket number, style and a brief statement of the nature of such suit, and such notice shall be served on the defendant and/or defendants in the manner provided by law for the service of other citations and five days from and after the service of such notice a hearing may be had on such application.

HILL,
BURNS.

Read.

Pending.

H. C. R. No. 40.

The Chair laid before the Senate H. C. R. No. 40. "Suspending Joint Rule No. 23 so that further consideration of S. B. No. 90 shall be postponed until final disposition of House Bills Nos. 527 and 587."

Senator Moore asked unanimous consent that the Senate Rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 40 be taken up and considered at this time.

Unanimous consent was granted.

Senator Moore moved the adoption of H. C. R. No. 40.

Adopted by viva voce vote.

S. R. No. 53.

Senator Poage sent up S. R. No. 53 in memory of Dr. J. M. Witt.

Senator Poage asked unanimous consent that the names of all members of the Senate be added.

S. R. No. 53 was adopted unanimously by a rising vote.

Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Executive Office,

Austin, Texas, Feb. 22, 1935.

To the Forty-fourth Legislature of Texas.

Gentlemen:

I submit herewith for your consideration ten (10) proposed measures dealing with Public Works projects and procedure with reference to loans, grants, contracts and other desirable proceedings, each of which proposed bill is self-explanatory.

During the past months many loans and grants on Texas projects have been closed by the Public Works Administration, and there are numerous projects now pending and in process of consummation.

The attached bills which are hereby submitted to you are measures which the Public Works Administration deem proper and necessary, and the Federal Administration has requested that they be enacted by this Legislature. The enactment of these measures will greatly facilitate, simplify and clarify the Texas laws with reference to issuance of bonds which are self-liquidating, and the validat-

ing bills hereby submitted will cure any procedural defects which might have occurred by inadvertance or oversight in the issuance of any bonds heretofore issued or authorized and now in the hands of the Federal Government. I deem it of prime importance that these measures be promptly enacted as an evidence of cooperation upon the part of Texas with the Public Works Administration, and also to assist the municipal bodies of our State in securing and promptly closing the loans and grants made to them by the Federal Government.

An emergency exists and the prompt enactment of these laws is imperative. Your prompt action in this matter will be of untold benefit to the State as a whole.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Executive Office,

Austin, Texas, Feb. 25, 1935.

To the Forty-fourth Legislature:

On February 12, 1935, I submitted to you for such attention as you might deem advisable a message from Hon. J. P. Buchanan, member of Congress, dealing with the necessity for action on the part of this State in making appropriation for maintenance of our State parks system.

Since this message was transmitted to you the situation has become rather acute. I am in possession of telegrams from many sections of the State voicing the fear that a number of CCC camps may be withdrawn from Texas and, at least, the number which Texas might logically expect to receive may be reduced unless this State does its part.

It is my understanding that a conference is to be held in Washington this week to discuss the Texas State park problems and determine the allotment to Texas for the State parks system for the next two years.

I understand that an emergency appropriation bill, H. B. 527, is pending before the House. I urge immediate action upon it as an emergency matter.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Executive Office,

Austin, Texas, Feb. 25, 1935.

To the Senate of the Forty-fourth Legislature:

I submit for your advice and consent the following appointment:

To be a member of the Board of Medical Examiners:

Dr. O. B. Kiel, of Wichita County, Texas, to serve the unexpired term of Dr. J. M. Witt, of McLellan County, Texas, which said term expires April 13, 1939.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 39, Designating March 4th as "Roosevelt Day" and providing for the proper observance of that day.

H. C. R. No. 40, Suspending Joint Rule No. 23 so that further consideration of S. B. No. 90 shall be postponed until final disposition of House Bills No. 527 and 587.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolutions Referred.

H. C. R. No. 39 was referred to the Committee on Federal Relations.

H. C. R. No. 32 was referred to the Committee on State Affairs.

Senate Bill No. 342.

Senators Rawlings and Hornsby received unanimous consent to send up the following bills:

By Senators Rawlings and Hornsby:

S. B. No. 342, A bill to be entitled "An Act simplifying procedure in construction and financing of public Works projects and authorizing any county, city, town, water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, or school district to accept grants from any Federal agency in connection with a Public Works project, to make

contracts relating thereto and award contracts thereon; to sell bonds at private sale to Federal Government; to issue interim certificates and other temporary obligations; to include certain items as preliminary expense in cost of public work projects; construing the Act; providing if any provision of Act is held invalid it shall not affect other provisions; limiting term during which Act shall be in effect, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 343.

By Senators Rawlings and Hornsby:

S. B. No. 343, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works or other agency of the United States Government; validating such bonds and the tax levies made for the payment of such bonds and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 344.

By Senators Rawlings and Hornsby:

S. B. No. 344, A bill to be entitled "An Act validating, legalizing and approving severally all the acts of the Board of Regents of The University of Texas, the Board of Directors of The Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers College, the Board of Regents of the College of Industrial Arts, and the Board of Directors of the College of Arts and Industries, in the authorization and issuance of bonds, notes or warrants heretofore issued or that have heretofore been authorized but not yet issued, validating and approving the pledge of revenues to the payment of said bonds and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 345.

By Senators Rawlings and Hornsby:

S. B. No. 345, A bill to be entitled "An Act validating all school dis-

tricts heretofore established, validating all elections and the levy of taxes by school districts, validating all proceeding had in the issuance of bonds and the levying of taxes therefor, validating bonds heretofore authorized or voted but not yet issued when such bonds are to be used in financing any undertaking for which a loan or grant has been made through the Federal Emergency Administrator of Public Works, providing that this Act shall not apply to districts which may have been established or consolidated and later returned to its original status, providing that this Act shall not apply to any district the organization or creation or tax levy of which is now involved in litigation and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 346.

By Senators Rawlings and Hornsby:

S. B. No. 346, A bill to be entitled "An Act amending Section 2 of Chapter 109, Acts of the First Called Session of the Forty-third Legislature by providing that negotiable warrants and obligations issued under subdivision (b) thereof may be sold for not less than par value to the Federal Government; and adding Section 2a providing that all warrants heretofore issued under subdivision (b) shall be negotiable instruments; and amending Section 4 of said Act so as to provide that powers conferred by this Act shall not be exercised after June 30, 1937; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 347.

By Senators Rawlings and Hornsby:

S. B. No. 347, A bill to be entitled "An Act providing for the acquisition, purchase, construction, reconstruction, improvement, betterment, extension, operation, and maintenance of revenue-producing undertakings by an incorporated city or town; authorizing and regulating the issuance of revenue bonds for financing such undertakings; and providing for the payment of such bonds and the rights of holders thereof, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 348.

By Senators Rawlings and Hornsby:

S. B. No. 348, A bill to be entitled "An Act providing that all bonds, notes or warrants heretofore issued or which have been authorized but not yet issued or which may be hereafter issued under the provisions of Articles 1111 to 1118, inclusive, Revised Civil Statutes of Texas for 1925, including all amendments thereto, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works shall be negotiable instruments, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 349.

By Senators Rawlings and Hornsby:

S. B. No. 349, A bill to be entitled "An Act to amend Article 704, Revised Civil Statutes of Texas of 1925, so as to provide that the election order shall designate the time and place of holding the election; that such election shall be held not less than 15 or not more than 30 days from the date of such order and that notice shall be given by posting a copy of the election order in each election precinct not less than 14 days before the election and in addition shall be published on the same day in each of two successive weeks in a newspaper of general circulation published within said county or city, the date of the first publication to be not less than 14 days before the date set for the election; and to provide that this Act shall control over any provisions in any city charter to the contrary and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 350.

By Senators Rawlings and Hornsby:

S. B. No. 350, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, Water improvement district, irrigation district, conservation and reclamation district, navigation district, road district,

school district, county, city or incorporated town of this State for public works projects, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 351.

By Senators Rawlings and Hornsby:

S. B. No. 351, A bill to be entitled "An Act validating and approving all proceedings had by cities and towns in the issuance and sale of revenue obligations under the provisions of Articles 1111 to 1118, Revised Civil Statutes of 1925, as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administrator of Public Works, or any other governmental agency, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or towns, and validating the pledge of revenues to the payment of said bonds, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 352.

By Senators Westerfeld and Burns:

S. B. No. 352, A bill to be entitled "An Act declaring the ownership of competing or parallel motor truck and motor bus lines by railroad companies to be contrary to the genius of free government and making it unlawful for railroad companies to own, control or operate any competing or parallel motor truck lines or motor bus lines for the carrying of freight or passengers for compensation or hire in this State; prohibiting the Railroad Commission of Texas from issuing any certificate of convenience and necessity to any railroad company to own, control or operate any competing or parallel motor truck lines or bus lines in this State; and declaring an emergency."

Senator Westerfeld moved that S. B. No. 352 be referred to the Committee on Labor.

Senator Van Zandt moved as a substitute that S. B. No. 352 be referred to the Committee on State Highways and Motor Traffic.

The substitute motion was lost by the following vote:

Yeas—12.

Cotten.	Poage.
Davis.	Redditt.
Holbrook.	Regan.
Hopkins.	Small.
Moore.	Stone.
Pace.	Van Zandt.

Nays—13.

Blackert.	Neal.
Burns.	Rawlings.
Collie.	Sanderford.
Duggan.	Shivers.
Hill.	Westerfeld.
Hornsby.	Woodruff.
Hughston.	

Present—Not Voting.

DeBerry.

Absent.

Sulak.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Oneal.

Senator Small moved as a substitute that S. B. No. 352 be referred to the Committee on State Affairs.

The substitute motion prevailed by the following vote:

Yeas—15.

Cotten.	Pace.
Davis.	Poage.
DeBerry.	Redditt.
Duggan.	Regan.
Holbrook.	Small.
Hopkins.	Stone.
Hughston.	Van Zandt.
Moore.	

Nays—11.

Blackert.	Rawlings.
Burns.	Sanderford.
Collie.	Shivers.
Hill.	Westerfeld.
Hornsby.	Woodruff.
Neal.	

Absent.

Sulak.

Absent—Excused.

Beck.	Martin.
Fellbaum.	Oneal.

S. R. No. 54.

Senator Woodruff received unanimous consent to send up the following resolution:

Be it resolved by the Senate of the State of Texas, Forty-fourth Regular Session that the Caucus Report adopted by the Senate on January 8, 1935, providing for said employees of the Senate, prescribing certain duties and restrictions with reference to such employment be amended by inserting after the word "corporation" in the first line on page three thereof and before the word "during" on said line, the following:

"Any information pertaining to the Senate and they shall not receive any compensation from any person, firm or corporation," and

Be it resolved further that there be inserted after the word "Senate" and before the word "and" in said first line on page three of said report, a comma.

Senator Woodruff received unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that Senate Resolution No. 54 be taken up and considered at this time.

S. R. No. 54 was adopted by a viva voce vote.

House Bill No. 403.

Senator Hill had the floor on his pending amendment to substitute for H. B. No. 403.

Recess.

Senator Rawlings at 12:10 p. m. moved that the Senate recess until 2 o'clock p. m.

Senator Moore moved as a substitute that the Senate recess until 10:00 o'clock a. m., Tuesday.

The substitute motion prevailed by viva voce vote.

APPENDIX.**Committee Reports.**

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, a majority of your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 70, A bill to be entitled "An Act to amend Section 5, Article 827a, of the Penal Code (Acts of the Regular Session, Forty-second Legislature, Chapter 282, page 507) regulating the load limit that may be transported upon commercial motor vehicles, truck-tractors, trailers, or semi-trailers outside the limits of an incorporated city or town; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the bill as substituted by the committee do not pass.

HOPKINS, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 21, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, a minority of your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 70, A bill to be entitled "An Act to amend Section 5, Article 827a, of the Penal Code (Acts of the Regular Session, Forty-second Legislature, Chapter 282, page 507) regulating the load limit that may be transported upon commercial motor vehicles, truck-tractors, trailers, or semi-trailers outside the limits of an incorporated city or town; fixing the number of pounds per inch width of tire upon any wheel concentrated upon the surface of the highway; fixing the load limit to be transported upon truck-tractor and semi-trailer combinations under certain conditions; and declaring an emergency."

Have had the same under consideration, and beg leave to dissent from the majority report on said bill as substituted in the committee and recommend that said bill do pass and be printed.

RAWLINGS,
HORNSBY.

Committee Room,

Austin, Texas, Feb. 20, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 169, A bill to be entitled "An Act amending subdivision 36 of Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of 1925,

and amending Article 1495 and subdivision 1 of Article 1496 of Title 32, Chapter 15, of the Revised Civil Statutes of 1925, so as to add after the words 'mineral solutions,' in each of said articles, the words 'and liquefied minerals,' and amending Article 1505 of Title 32, Chapter 15, of the Revised Civil Statutes, of 1925, so as to add after the word 'salt' in such article, the words 'mineral solutions and liquefied minerals,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the committee substitute as amended do pass and the original bill be not printed.

REGAN, Chairman.

Committee Amendment No. 1.

Amend Senate Bill No. 169 by striking out all below the enacting clause and substitute in lieu thereof the following:

Section 1. Amend Subdivision 36 of Article 1302, Title 32, Chapter 1 of the Revised Civil Statutes of 1925, so that said subdivision shall hereafter read as follows:

"36. To store, transport, buy and sell oil, gas, salt, brine and other mineral solutions and liquefied minerals; also sand and clay for the manufacture and sale of clay products."

Sec. 2. Amend Article 1495 of Title 32, Chapter 15 of the Revised Civil Statutes of 1925, so that said article shall hereafter read as follows:

Article 1495. (1303) Purposes.—This chapter embraces corporations created for the purpose of storing, transporting, buying and selling oil, gas, salt brine and other mineral solutions and liquefied minerals; also sand and clay for the manufacture and sale of clay products; and the production of oil and gas."

Sec. 3. Amend Subdivision 1 of Article 1496, Title 32, Chapter 15 of the Revised Civil Statutes of 1925, so that said subdivision shall hereafter read as follows:

"1. To store and transport oil, gas, brine and other mineral solutions and liquefied minerals, and also sand, clay and clay products, and to make reasonable charges therefor."

Sec. 4. Amend Article 1505 of Title 32, Chapter 15 of the Revised Civil Statutes of 1925, so that said

article shall hereafter read as follows:

"Article 1505. (1308) Discrimination.—It shall be unlawful for any corporation organized under this chapter to discriminate against any person, corporation, firm, association or place in the charge for such storage or transportation, or in the service rendered; but it shall receive, store or transfer oil or gas, salt, mineral solutions and liquefied minerals, sand and clay for any person, corporation, firm or association upon equal terms, charges and conditions with all other persons, corporations, firms or associations for like service."

Sec. 5. The importance of this legislation is that it is calculated to furnish employment to able-bodied men, who are in need of work, and that the development of the products set out in this amendment will employ many people not at present employed, and living in crowded conditions, creates an emergency and an imperative public necessity, that the constitutional rule, requiring bills to be read on three several days, in each House, be suspended and the same is hereby suspended, and that this Act become effective immediately from and after its passage and it is so enacted.

Committee Amendment No. 2.

Amend the caption of Senate Bill No. 169 by striking out the words: "Articles 1495 and 1496" and place in lieu thereof the following: "Article 1495 and Subdivision 1 of Article 1496."

Committee Room.

Austin, Texas, Feb. 21, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 87, A bill to be entitled "An amendment providing that when a keeper, manager or owner of an institution defined in said article shall operate same without license or sell or traffic in babies or permit the use of said institution for purposes other than provided for in their license."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment.

SANDERFORD, Vice-Chairman.

By Oneal.

C. S. S. B. No. 87.

A BILL

To Be Entitled

An Act amending Article 4442, Revised Civil Statutes of the State of Texas, 1925, by adding to said Article a section to be numbered Section 5, so as to provide that when a keeper, manager or owner of an institution defined in said Article, shall operate same without a license or permit the use of said institution for purposes other than provided in their licenses, they may be enjoined in a suit filed by the Attorney General, district or county attorney, or any citizen; and amending Chapter 204 of the Acts of the Regular Session, 41st Legislature, by adding to said Acts another section to be known as Section 6-a, making it unlawful for any person, association or corporation to charge or receive compensation for the placement of a child under fifteen (15) years of age; and providing certain exemptions; and providing for the enjoining of such person, association or corporation in a suit brought by the Attorney General, district or county attorney of any county in which said act or acts may occur; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4442 of the Revised Civil Statutes of the State of Texas, 1925, be amended by adding thereto a section to be known as Section 5, and to read as follows:

"Section 5. Whenever a keeper, manager or owner of any such institution defined in Article 4442, Revised Civil Statutes of the State of Texas, 1925, shall operate same without a license issued by the State Board of Health, or shall attempt to blackmail or extort money from another for any purpose, or shall maintain or keep in said institution tubercular people, persons of unsound mind or persons suffering from infectious or contagious disease, except that in cases of women suffering from venereal disease, that proper place for isolation and treatment is provided, or keep or maintain such an institution for any other purpose, except for the treatment of

pregnant women, as may be provided by their license, may be enjoined from operating said institution in a suit brought by the Attorney General, district or county attorney, and the petition need not be verified; or any citizen of this State may sue in his own name and shall not be required to show that he is personally injured by the acts complained of."

Sec. 2. That Chapter 204, Acts of the Regular Session of the 41st Legislature, be amended by adding thereto a section to be known as Section 6-a, and to read as follows:

"Sec. 6-a. It shall be unlawful for any person, association or corporation operating as a licensed child placing agency, as defined in said Chapter 204 of the Acts of the Regular Session, 41st Legislature, to charge or receive compensation in cash or in coin for the placement and/or transfer of guardianship of a child under fifteen (15) years of age, and such act or attempted act shall be deemed as trafficking in the sale and placement of minor children; and such person, association or corporation may be enjoined in suit brought by the Attorney General of the State of Texas, or district or county attorney or any county in which said act or acts may have occurred; provided that nothing herein shall be deemed to prohibit (1) a parent or guardian paying a reasonable amount for the board of a child in a private foster home, or (2) a licensed child placing agency or institution receiving from a parent or guardian a reasonable amount for the current board of a child in a private foster home or institution."

Sec. 3. The remedies and penalties provided in Section 1 and Section 2 hereof shall be cumulative of all other remedies and penalties now provided by Statute in such cases.

Sec. 4. The fact that there is now no adequate law to prevent the abuses which will be prevented by the enactment of this bill, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said Rule is hereby suspended, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 21, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 318, A bill to be entitled
"An Act giving to Mrs. Lillian Har-
graves, for herself and as next friend
of Orin Hargraves, Edith Hargraves
and Ed Harold Hargraves, minors of
Beaumont, Jefferson County, Texas,
consent of the Legislature to file and
prosecute suit against the State of
Texas and/or the State Highway
Commission in a court of competent
jurisdiction in order to determine
what compensation, if any, she and
the surviving children of the said
Lillian Hargraves and O. K. Har-
graves are to receive by reason of
the death of the said O. K. Har-
graves received while an employee
of the State Highway Commission;
etc., and declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. C. R. No. 37,

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. C. R. No. 24, being a resolution
expressing approval of action taken
by the Federal Trade Commission in
investigating public utilities,

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 280, A bill to be entitled
"An Act authorizing the assessor and
collector of taxes, sheriff, or the
sheriff and assessor and collector
of taxes to administer all oaths nec-
essary for the discharge of the duties
of their respective offices, and to ad-
minister all oaths necessary in the
transaction of the business of their
respective offices, and declaring an
emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 287, A bill to be entitled
"An Act amending Article 6221, Re-
vised Civil Statutes of 1925, as
amended by Chapter 262, General
Laws of the Regular Session of the
Forty-second Legislature; and declar-
ing an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 319, A bill to be entitled
"An Act granting to Dr. N. T. An-
ders and wife, Mrs. Hattie Anders,
of Beaumont, Jefferson County,
Texas, the permission to bring suit
against the State of Texas and the
State Highway Department and to
join the State of Texas and the State
Highway Department as co-defend-
ants with Jefferson County, Texas in
the District Court of Jefferson Coun-
ty, Texas, in trespass to try title to
a portion of the T. Spear League in
Jefferson County, Texas, etc.; and
declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 320, A bill to be entitled
"An Act to amend Section 10, of
Chapter 42, of the Acts of the Forty-
third Legislature, Regular Session,
pages 49-50, amending Section 10,
of Chapter 42, with reference to the
salary to be paid the deputy clerk
of the County Court of Jefferson
County at Law; and providing that
if any paragraph, clause or sentence
of this Act be held unconstitutional
the rest of the Act shall be held
valid."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

PACE, Chairman.

Minutes of Committee Meetings.

Meeting of the Committee on Rules,
Held on Feb. 21, 1935—Called
Meeting.

Present: DeBerry, Hornsby, Hop-
kins, Martin, Pace, Redditt, Small.

Absent—excused: Poage, Regan.

Committee Amendment No. 1 re-
ferred to sub-committee.

H. C. R. No. 18 referred to sub-
committee.

DICK DeBERRY, Secretary.

Minutes of Committee on State Af-
fairs, Held February 21, 1935,
Regular Meeting.

Present: Pace, Blackert, Collie,

Cotten, Holbrook, Hopkins, Hornsby,
Hughston, Martin, Moore, Oneal,
Rawlings, Redditt, Regan, Shivers,
Small, Stone, Sulak.

Absent—excused: DeBerry, Fell-
baum.

S. B. No. 280 was reported favor-
ably by viva voce vote with recom-
mendation it be printed.

S. B. No. 287 was reported favor-
ably by viva voce vote with recom-
mendation it be printed.

S. B. No. 318 was reported favor-
ably by viva voce vote with recom-
mendation it be printed.

S. B. No. 319 was reported favor-
ably by viva voce vote with recom-
mendation it be printed.

S. B. No. 320 was reported favor-
ably by viva voce vote with recom-
mendation it be printed.

H. C. R. No. 24 was reported fa-
vorably by viva voce vote with recom-
mendation it be printed.

H. C. R. No. 37 was reported fa-
vorably by viva voce vote with recom-
mendation it be printed.

REEVES, Secretary.

Minutes of Senate Committee on
Public Health, Held Feb. 21, 1935.

Regular Meeting.

Present: Beck, Hornsby, Oneal,
Redditt, Small, Davis, Hughston.

Absent—Excused: Sanderford,
Holbrook, Rawlings, Woodruff.

S. B. No. 87, by Poage, was re-
ported favorably, with committee
amendment.

BECK, Chairman.

In Memory
of
Dr. J. M. Witt

SENATE RESOLUTION NO. 53.

WHEREAS on Friday, afternoon, February 22, 1935, Dr. J. M. Witt of Waco, Texas, was called from his labors in his 85th year.

Dr. Witt was born in Alabama, August 8, 1850, and came to Texas when 23 years of age, taught school in Moffatt in Bell County, and later worked in a Mercantile establishment in Moody, McLennan County. He married Miss Mattie Ferguson of Alabama and they engaged in farming in Central Texas. In 1881 he attended Vanderbilt University and later Tulane. He located at Eddy where he engaged in the practice of medicine for a number of years. Almost 30 years ago he moved to Waco, and at the age of 56 began his practice in a new community. He made an outstanding success, and continued in the active practice of his profession until the very week of his death. He was a former president of McLennan County Medical Society, was Physician for the Waco State Home and was a member of the State Board of Medical Examiners. He was an outstanding citizen of Central Texas and had served his State well during a long and useful life. He was loved and respected by the thousands to whom he had attended and who delighted to know him as their friend. He is survived by his widow and six children: Hon. Edgar E. Witt of Waco, Chas. Witt of Waco, Mrs. Jessie Mansfield of Waco, Dr. Guy F. Witt of Dallas, J. Leslie Witt of Austin, and Bertrand Witt of Austin. Hon. Edgar E. Witt, his son, served in this Body for almost twenty years and during the past four years was presiding officer of this Senate. In the passing of Dr. Witt the State has lost a useful citizen. People of Central Texas have lost a beloved neighbor; his family has lost a loving husband and father. Be it therefore resolved that the Senate of Texas extend to the members of his family our deepest sympathy and when the Senate adjourns today it do so in honor of Dr. J. M. Witt.

Read.

Senator Poage asked unanimous consent that the names of all Senators be added.

POAGE,
BECK,
BLACKERT,
BURNS,
COLLIE,
COTTEN,
DAVIS,
DeBERRY,
DUGGAN,
FELLBAUM,
HILL,

HOLBROOK,
HOPKINS,
HORNSBY,
HUGHSTON,
MARTIN,
MOORE,
NEAL,
ONEAL,
PACE,
RAWLINGS,
REDDITT,

REGAN,
SANDERFORD,
SHIVERS,
SMALL,
STONE,
SULAK,
VAN ZANDT,
WESTERFELD,
WOODRUFF,
WOODUL, Lt. Gov.

Adopted unanimously by a rising vote.